 AO 120 (Rev. 3/04)

<p>TO:</p> <p align="center">Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450</p>	<p>REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK</p>
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court Delaware on the following ☒ Patents or ☐ Trademarks:

DOCKET NO. 06cv222		DATE FILED 4/6/2006	U.S. DISTRICT COURT DISTRICT OF DELAWARE	
PLAINTIFF Wyeth			DEFENDANT Impax Laboratories, Inc.	
PATENT OR TRADEMARK NO.		DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK	
1	US 6,274,171 B1	8/14/2001	American Home Products Corporatioin	
2	US 6,403,120 B1	6/11/2002	Wyeth	
3	US 6,419,958 B2	7/16/2002	Wyeth	
4				
5				

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY	
	<input type="checkbox"/> Amendment	<input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1		
2		
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT
See Attached Consent Judgment

CLERK PETER T. DALLEO, CLERK OF COURT	(BY) DEPUTY CLERK <i>Maureen McSweeney</i>	DATE 5/16/2008
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Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

_____)	
WYETH,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 06-222 (JJF)
)	
IMPAX LABORATORIES, INC.,)	
)	
Defendant.)	
_____)	

CONSENT JUDGMENT

As a result of the parties having executed the Settlement and Release Agreement dated June 9, 2008 and the License Agreement (as defined in the Settlement and Release Agreement), the Court hereby Orders:

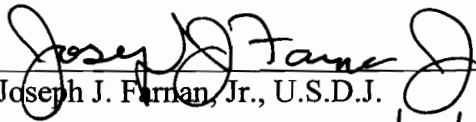
- 1) Until the expiration of U.S. Patent Nos. 6,274,171 B1, 6,403,120 B1 and 6,419,958 B2, Defendant shall not, and shall cause its affiliates to not, make, use, sell, offer for sale, or import the extended-release venlafaxine hydrochloride capsules that are the subject of ANDA 78-057, except as and to the extent permitted under the License Agreement.
- 2) Defendant, on behalf of itself and its affiliates, stipulates to the validity of claims 20-25 of U.S. Patent No. 6,274,171 B1, claims 1, 2, 13 and 14 of U.S. Patent No. 6,403,120 B1 and claims 1-6 of U.S. Patent No. 6,419,958 B2.
- 3) Defendant, on behalf of itself and its affiliates, stipulates to the infringement of claims 20-25 of U.S. Patent No. 6,274,171 B1, claims 1, 2, 13 and 14 of U.S. Patent No. 6,403,120 B1 and claims 1-6 of U.S. Patent No. 6,419,958 B2, to the extent, and only to the extent, such infringement relates to the making, using, selling, offering for sale and/or importing of the extended-release venlafaxine hydrochloride capsules that are the subject of ANDA 78-057 and only to the extent such activities are not being conducted as permitted under the License Agreement.
- 4) Defendant, on behalf of itself and its affiliates, stipulates to the enforceability of U.S. Patent Nos. 6,274,171 B1, 6,403,120 B1 and 6,419,958 B2.
- 5) Defendant's Counterclaims of patent invalidity, unenforceability, and non-infringement are dismissed with prejudice.

6) The Settlement and Release Agreement and the License Agreement entered into between the parties, which have been filed with this Court under seal, are adopted by the Court as part of this Consent Judgment.

7) Each party shall bear its own costs.

8) This Court retains jurisdiction to enforce this Consent Judgment, the parties' Settlement and Release Agreement and the Definitive Agreements (as defined in the Settlement and Release Agreement).

SO ORDERED.



Joseph J. Furman, Jr., U.S.D.J.
7/15/08